United Nations A/AC.109/2009/SR.9

General Assembly

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples
Resumed session

Summary record of the 9th meeting
Held at Headquarters, New York, on Thursday, 18 June 2009, at 10 a.m.

Chairman: Mr. Natalegawa ..... (Indonesia)

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09-37320 (E)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas)
(A/AC.109/2009/13; A/AC.109/2009/L.8)

2. **The Chairman** informed the Committee that the delegations of Argentina, Brazil, El Salvador, Guatemala, Honduras, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item.

Hearing of petitioners

3. *At the invitation of the Chairman, Mr. Stevens and Ms. Robertson (Legislative Assembly of the Falkland Islands) took places at the petitioners' table.*

4. **Mr. Stevens** (Legislative Assembly of the Falkland Islands) said that the individuals who had shaped the 176-year history of the Falkland Islands had left behind a living legacy. He evoked the achievements and memories of the first inhabitants and of their descendants, many of whom were currently working and living in the islands. Some of the earliest settlers had come from Scotland as shepherds; some had been merchants who had plied their trade on local schooners; many had been Scandinavian and German mariners driven there by storms or wrecked on the rocky shores; for a large number of their descendants, agriculture had replaced the sea as a profession.

5. The inhabitants of the Falkland Islands had chosen to live their lives and build a future there. Far from being an itinerant, transplanted people shipped in by the British, as claimed by Argentina, they had originally hailed from a variety of places, as was attested by their family names, and had remained there of their own free will. Indeed, a high percentage of Falkland Islands families had lived there longer than Argentines in Argentina. They were a close-knit community with a specific identity; they had a strong sense of belonging to the islands and had developed a way of life and a form of society that were eminently suited to them.

6. For Argentina the way forward lay not in negotiation but in the total capitulation of the islanders, which would lead to the modern equivalent of the very type of situation that the Committee had been established to dissolve: that of a small country dominated by a ruthless overlord who cared little for the populace. As a democratically elected member of the Legislative Assembly, he had a strong mandate in support of the islanders' right to self-determination; accordingly he urged the Committee to recognize that right so that they could continue to live the life of their choice and not be swallowed up by an alien power that regarded them as impostors in their own land.

7. **Ms. Robertson** (Legislative Assembly of the Falkland Islands) said that she and the other democratically elected members of the Legislative Assembly regretted the Committee's repeated adoption of a draft resolution that was contrary to the principles enshrined in the Charter of the United Nations and contrary to the wishes of the Falkland Islanders. It represented an attempt by one party to the dispute to negotiate away the rights and freedoms of a people and a denial of the principle of self-determination.

8. There was no foreseeable prospect that the United Kingdom would agree to negotiate on the question of the sovereignty of the Falkland Islands. The Constitution of the Falkland Islands, like that of all British Overseas Territories, guaranteed the people's right to self-determination; it was therefore up to them to determine the issue of sovereignty for themselves. Argentina claimed that the principle of territorial integrity prevailed over that of self-determination. It therefore viewed annexation as the only acceptable solution to the dispute; that was contrary to the wishes of the islanders and consequently unacceptable to the United Kingdom.

9. There were only two ways in which resumption of negotiations between the two parties could lead to a peaceful solution: if the islanders' participation and agreement were sought, or if their right to self-determination was suppressed. Such suppression would violate the principles of justice and democracy which the United Nations purported to support but which, in the case of the Falkland Islands, were upheld only by the administering Power.

10. As for the principle of the non-use of force or the threat of force in international relations, Argentina's aggression against the Falkland Islands, particularly in the form of non-cooperation on fisheries and hydrocarbons agreements and the ban on charter flights across Argentine airspace, pre-empted any peaceful solution and appeared to be aimed at forcing the

islanders to accept what they did not want. Argentina claimed to be responding to what it called "unilateral" acts by the British Government, such as the extension of the Falkland Islands' fisheries licensing regime. In fact, those legitimate measures were the result of the Falkland Islands Government using its powers to serve the interests of the inhabitants and of the environment.

11. Resolutions on the questions of Gibraltar and the Falkland Islands were alone in referring not to the inalienable right to self-determination of the inhabitants but merely to the interests of the population. That was contrary not only to democratic principles but also — since October 2008 — to the position of the General Assembly, whose Fourth Committee had decided that the principle of self-determination should not cease to be applicable in cases where there was a dispute over sovereignty.

12. The purpose of the principle of territorial integrity was to prevent future break-ups of established States, not to resolve sovereignty disputes rooted in the past; it did not apply to the Falkland Islands which Argentina had occupied only briefly at a time when ownership of the islands was in dispute. The islands had never formed part of Argentina and had existed as a political entity long before the modern boundaries of Argentina had been established. Furthermore, there was a contradiction between the invocation of that principle and Argentina's proclaimed wish to end the current so-called colonial status of the islands. According to principle IX of General Assembly resolution 1541 (XV), the integration of a Non-Self-Governing Territory with its administering Power should be the result of the freely expressed wishes of the territory's peoples. Therefore, transfer of sovereignty to Argentina would fly against that criterion since the people of the Falkland Islands would never choose to be annexed by or integrated into Argentina.

13. With the end of the Second International Decade for the Eradication of Colonialism in sight, the conditions and criteria for determining the end of colonization must be re-examined as a matter of urgency. The new Constitution of the Falkland Islands, under which the Governor must accept the advice of the Executive Council on all matters other than defence and foreign affairs, was evidence of a continuously developing process of internal self-government and offered a possible fourth option, in addition to those set forth in principle VI of resolution 1541 (XV), for determining that a Non-Self-Governing Territory had achieved a full measure of self-government. Accordingly, she encouraged the Committee, when considering actions to be taken in the Third Decade, to take due note of such developments in the British Overseas Territories, including the Falkland Islands, having regard to the maturing status of the Territory's relationship with the United Kingdom.

14. It was becoming ever more anomalous that the Committee should make reference to a 200-year-old sovereignty dispute at the expense of the rights of inhabitants of a Non-Self-Governing Territory. She urged the Committee to consider whether that was truly in the spirit of the ethos and principles of the Charter of the United Nations.

15. *Mr. Stevens and Ms. Robertson withdrew.*

16. *At the invitation of the Chairman, Ms. Reynolds took a place at the petitioners' table.*

17. **Ms. Reynolds** said that she was a direct descendant of the Reverend Thomas Bridges, an Anglican vicar who had arrived in the Malvinas Islands in 1856 to work for the South American Missionary Society. The Mission's aim had been to civilize and to evangelize the indigenous population of Tierra del Fuego and members of the Mission had travelled there frequently and had brought indigenous families back to the Mission for English, religious and other instruction.

18. When the United Kingdom seized the islands in 1833, British settlers had expelled and discriminated against Argentine inhabitants to prevent them from settling in the islands, thus consolidating colonial rule, a situation that prevailed to the present day. Recognizing the fundamental difference between the Mission's objectives and those of the British occupation, the Reverend Bridges and other Mission members had relocated to Tierra del Fuego. Her family had continued, however, to visit the islands and had even contributed to the construction of an Anglican cathedral there.

19. It was hard to imagine stronger ties between the inhabitants of the islands and Argentine citizens, including those of British descent. Many British settlers, her ancestors included, had understood that, besides geographical proximity, powerful links united the islands with the Argentine mainland and had disagreed with the colonial Power's policy, of isolating the islands in order to thwart the Argentine Republic's

legitimate claim to sovereignty. Hundreds of thousands of Argentine citizens of British descent had contributed to Argentina's cultural life and lived in perfect harmony with Argentine citizens of other descent.

20. Both the islanders and their neighbours on the mainland would benefit enormously from an end to the current anachronistic situation. Under Argentine sovereignty, the islanders would enjoy, inter alia, better transport links and access to Argentine produce, as well as the same guarantees of respect for their way of life, language and customs as other Argentine citizens. The Committee should urge the United Kingdom to resume negotiations on the sovereignty of the Malvinas Islands, South Georgia and the South Sandwich Islands, in accordance with the relevant General Assembly resolutions.

21. *Ms. Reynolds withdrew.*

22. *At the invitation of the Chairman, Mr. Vernet took a place at the petitioners' table.*

23. **Mr. Vernet** said that his great-great-grandfather, Don Luis Vernet, had been appointed the first political and military commander of the Malvinas Islands in 1829. The decree establishing that commandership explained in part why Argentina continued to assert its legitimate claim to the islands today. The decree stated that, at the time of Argentina's separation from Spain, Spain owned the islands and that Argentina had inherited all the rights enjoyed by Spain over the islands. The islands had therefore belonged to Argentina even before Argentina's emergence as an independent nation.

24. The decree also entrusted the commander of the islands with ensuring that fishing regulations were respected. In 1831, Don Luis Vernet had seized three United States schooners for contravening such regulations. In response, the United States had undertaken a punitive expedition to the islands. A year later, the United Kingdom had seized the islands and had expelled the population.

25. Anyone who visited Argentina was sure to hear the name "Malvina" shouted from a window or to see children playing in a square called "The Argentine Malvinas". It was impossible for Argentine citizens to imagine their country without the Malvinas Islands.

26. The Argentine Constitution not only reiterated Argentina's firm belief in its right to the Malvinas Islands and its determination to recover them, it also contained a commitment, once it achieved that goal, to respect the way of life of the islands' inhabitants. He therefore called on the Committee to promote constructive dialogue between the United Kingdom and the Argentine Republic, in accordance with the relevant General Assembly resolutions, so that a peaceful, just and lasting solution to the sovereignty dispute might be found.

27. *Mr. Vernet withdrew.*

28. **Mr. Taiana** (Observer for Argentina) said that it seemed ironic that, while the international community was working hard to find ways to tackle various challenges such as the international financial crisis and climate change, when it came to putting an end to colonialism the Committee's efforts to advance continued to be thwarted.

29. The situation of the Malvinas Islands was unlike any other, as the Committee itself had recognized. By occupying land, which had been under Argentine sovereignty the United Kingdom had violated the political unity and territorial integrity of the Argentine Republic. Its continued occupation of the islands therefore ran contrary to a fundamental principle laid down in the Charter of the United Nations and in General Assembly resolution 1514 (XV). The population had been expelled and replaced with an implanted foreign population which lived in isolation from the mainland. Such a population could never be considered to have been subjugated by a colonial power. In fact, it was both the instrument and the result of an act of usurpation by a colonial power.

30. The United Kingdom had confirmed the British nationality of the islands' population with the British Nationality Act of 1983. To claim that the principle of self-determination should be applied to such people would be a flagrant misrepresentation of logic, justice and law. The United Kingdom was calling for the application of the principle of self-determination while, at the same time, refusing to resume sovereignty negotiations with Argentina, thereby ignoring the mandate set forth, inter alia, in successive General Assembly resolutions. By saying that it would agree to resume negotiations only if the islands' inhabitants so wished, the United Kingdom was ignoring the will of the Member States of the Organization and introducing a unilateral precondition that had not figured in any of the resolutions on the subject.

31. Moreover, it was seeking to benefit from General Assembly resolution 1514 (XV), while, at the same time, ignoring the fact that the principle of territorial integrity was applicable to the question of the Malvinas Islands. It was for that reason that the resolutions on the question of the Malvinas Islands referred to the need to take due account of the interests of the population of the islands. It was worth noting that the Constitution of Argentina went even further, calling for respect for their way of life. Giving preference to the "wishes" of the population over the resumption of negotiations was simply an attempt to sidestep the United Nations call for the resumption of negotiations aimed at a fair, peaceful and definitive solution to the dispute.

32. The Argentine Republic was committed to the right of all peoples subject to foreign colonial domination to self-determination. However, it rejected the manipulation of that key principle by a Member State to favour a population that it had artificially implanted on land that was part of the territory of Argentina and which it had usurped by force. While his Government was seeking to recover full sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, it was prepared to comply with the obligation to resume sovereignty negotiations and had demonstrated as much. That obligation applied to both parties. His Government had also taken steps to cooperate with the United Kingdom on practical matters deriving from the de facto situation with a view to creating a framework conducive for the two parties to resume negotiations.

33. In spite of that, the United Kingdom had committed a number of unilateral acts in the disputed areas, such as the illegal extension of the fisheries licensing regime to include 25-year fishing quotas, the illegitimate granting of licences for hydrocarbon activities, and the refusal to operate charter flights between mainland Argentina and the Malvinas Islands, notwithstanding what had been agreed regarding the formula on sovereignty in an exchange of notes of 23 February 2001. The United Kingdom had also attempted to include parts of Argentine national territory in its submission to the Commission on the Limits of the Continental Shelf; such an inclusion was unlawful. Those acts violated General Assembly resolution 31/49, which called upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands were going through the process recommended by the United Nations. Another such unilateral act related to the coming into force of the new so-called "constitution" which was simply an attempt to present the colonial situation as something "modern" and "post-colonial" and to present the implanted British population as one to which the principle of self-determination should apply.

34. The United Kingdom was refusing to assume its international obligation and was seeking to justify itself by capricious interpretations of principles that were intended to bring justice to oppressed peoples. It would appear that it saw international obligations as applying to certain countries but not to others; that was unacceptable. If the United Kingdom believed that the challenges of the global community should be resolved through dialogue and cooperation, in accordance with United Nations resolutions, it should demonstrate that belief in the decolonization forums.

35. Noting that, after five years of difficult negotiations, the United Kingdom had decided not to continue putting obstacles in the way of a planned visit to the islands by relatives of Argentines fallen in the 1982 conflict, to attend the inauguration of a memorial to their loved ones, he expressed the hope that the United Kingdom would continue in that spirit of dialogue and comply, once and for all, with the many resolutions on the question.

36. Finally, he reiterated that his Government was prepared to negotiate on the basis of international law and the various resolutions on the question with a view to achieving a just and definitive resolution of the dispute.

Draft resolution A/AC.109/2009/L.8

37. **Mr. Muñoz** (Chile), introducing draft resolution A/AC.109/2009/L.8 on behalf of the sponsors, said that the presence, at the meeting, of a large number of representatives of Latin American countries underscored the interest of the countries of the region in finding a lasting solution to the question. Chile, like the other Latin American countries represented, supported Argentina's rights in the sovereignty dispute and considered bilateral negotiations between Argentina and the United Kingdom to be the only way forward. In that connection, he recalled the Declaration on the subject adopted at the recent session of the General Assembly of the Organization of American

States, and the Special Communication on Sovereignty in the Question of the Malvinas Islands issued at the eighteenth Ibero-American Summit of Heads of State and Government.

38. The persistence of colonial situations in the twenty-first century was an anachronism. Noting that there were no valid reasons for delaying the solution of the Malvinas Islands question any longer, he called on the parties to the dispute to resume negotiations. Lastly, he expressed the hope that the draft resolution would be adopted by consensus.

39. **Mr. Loizaga** (Observer for Paraguay), speaking on behalf of the member States and associated States of the Common Market of the South (MERCOSUR), reiterated the latter's support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands.

40. Recalling that, at the recent MERCOSUR Summit, held in Salvador, Brazil, the Presidents of the member States and associated States of MERCOSUR had reaffirmed the terms of the Declaration on the Malvinas, adopted at Potrero de los Funes, in 1996, he said that that Declaration had noted that it was in the interests of the whole region for the prolonged sovereignty dispute to be resolved, in accordance with the resolutions of the General Assembly and the Organization of American States (OAS). They [the Presidents] had also noted that the adoption of unilateral measures was incompatible with General Assembly resolutions. In addition, they had reiterated that the inclusion of the Malvinas Islands in the list of overseas countries and territories covered by part four of the Treaty establishing the European Community, was incompatible with the legitimate rights of the Argentine Republic and with the existence of a sovereignty dispute.

41. The member States and associated States of MERCOSUR supported the draft resolution and hoped that it would, once again, be adopted by consensus.

42. **Mr. Liu** Zhenmin (China) said that territorial disputes between States should be resolved through peaceful negotiations, in accordance with the spirit of the Charter of the United Nations. Accordingly, he hoped that the Governments of Argentina and the United Kingdom would continue to engage in constructive dialogue on the question of the Malvinas, adding that his delegation supported the draft resolution.

43. **Ms. Sulimani** (Sierra Leone) said that pursuant to article 73 of the Charter an administering power must recognize that the interests of the inhabitants of a non-self-governing Territory were paramount and that it had an obligation to promote to the utmost the well-being of such inhabitants. The population of the Falkland Islands should therefore be allowed to exercise their right to self-determination. The Governments of Argentina and the United Kingdom should engage in sustained dialogue, with a view to finding a peaceful, just and durable solution to the sovereignty dispute, taking into account the views and wishes of the islanders.

44. **Mr. Dolgov** (Russian Federation) said that his delegation supported the draft resolution before the Committee and hoped that it would be adopted without a vote. Argentina and the United Kingdom should find a solution acceptable to both parties through bilateral negotiations, in accordance with the relevant General Assembly resolutions.

45. **Mr. Ja'afari** (Syrian Arab Republic) said that the position of the Syrian Arab Republic was in line with the positions taken over the years by the Group of 77 and China and the Non-Aligned Movement, which reaffirmed that regional unity was a sacred principle in the resolution of territorial disputes. Accordingly, his delegation supported the draft resolution and hoped that it would be adopted by consensus. The Governments of Argentina and the United Kingdom should resume their dialogue in order to achieve a solution to the dispute over the sovereignty of the islands with due respect for the territorial integrity of Argentina.

46. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) reiterated his delegation's support for Argentina's just claim of sovereignty over the Malvinas Islands, and its belief that bilateral negotiations were the appropriate path to a solution of the colonial situation and expressed the hope that the draft resolution would be adopted by consensus.

47. Finally, he encouraged the Secretary-General to use his good offices to bring the parties together.

48. **Mr. Moreno Fernández** (Cuba) said that, in the view of his delegation, the disputed territories belonged to Argentina. He therefore urged the United Kingdom to enter into the negotiations Argentina had repeatedly offered to re-start, and to abstain from any further unilateral acts. Finally, he expressed the hope that the draft resolution would be adopted by consensus.

49. **Mr. Kleib** (Indonesia), noting that the case of the Falkland Islands (Malvinas) was not a traditional decolonization issue, said that it must be resolved through peaceful negotiations, in the best interests of the population. Accordingly, he expressed the hope that the draft resolution would be adopted by consensus.

50. **Mr. Solón-Romero** (Plurinational State of Bolivia) said that the principle at issue was not one of self-determination but rather one of national unity and territorial integrity. The United Kingdom had occupied the Malvinas Islands by force and had expelled the original population. The reluctance on the part of the United Kingdom, a State with a privileged position on the Security Council, to enter into talks with Argentina confirmed his delegation's belief that permanent membership in the Council was no guarantee of respect for the need to find a peaceful end to conflicts and, as such, should be ended.

51. His delegation once more called for a negotiated solution to colonial situations and expressed the hope that the draft resolution before the Committee would be adopted by consensus.

52. **Ms. Espinosa** (Ecuador) said that her delegation strongly supported Argentina's legitimate right to sovereignty over the Malvinas Islands. The case in question was different from other decolonization cases for it involved the principle of territorial integrity and respect for the sovereignty of States which, in the view of his delegation, were of paramount importance in international relations.

53. **Ms. Williams** (Grenada) said that her delegation would like to see the draft resolution adopted by consensus and she urged the two parties to the dispute to resume talks in bilateral forums.

54. **Mr. St. Aimee** (Saint Lucia) said that, although he was not proposing any change, his delegation would have preferred to see the final preambular paragraph included as an operative paragraph, in order to highlight the importance of General Assembly resolutions on the subject and of the need to take due account of the interests of the people.

55. *Draft resolution A/AC.109/2009/L.8 was adopted.*

56. **Mr. Snoussi** (Tunisia) welcomed the adoption by consensus of the draft resolution, and expressed the hope that Argentina and the United Kingdom would return to the negotiating table to find a peaceful and lasting solution to the conflict.

The meeting rose at 1.10 p.m.

United Nations A/AC.109/2009/SR.10

General Assembly

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15 July 2009

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resumed session

Summary record of the 10th meeting

Held at Headquarters, New York, on Friday, 19 June 2009, at 10 a.m.

Chairman: Mr. Natalegawa ..... (Indonesia)

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09-37431 (E)

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The meeting was called to order at 10.15 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas) *(continued)* (A/AC.109/2009/13; A/AC.109/2009/L.8)

2. **Mr. St. Aimee** (Saint Lucia) said that, given that both Argentina and the United Kingdom were claiming sovereignty, it seemed unlikely that much would be achieved through negotiations. In his delegation's view it would be more logical for the Committee to try to define what was meant by the words "taking into account the interests of the inhabitants". For example, it was necessary to establish who should decide what those interests were, and how they should be articulated and expressed.

3. **Mr. Daou** (Mali), noting with regret that the resolutions adopted by the Committee had failed, thus far, to bring about a solution to the dispute, invited Argentina and the United Kingdom to establish the conditions that would allow for the implementation of those resolutions. The Committee must continue its efforts to bring the parties to the negotiating table in order to build on the process of dialogue.

4. **Ms. Viotti** (Observer for Brazil) recalling the appeals made by various regional organizations and forums for a prompt resolution to the dispute, reiterated her delegation's support for Argentina's legitimate rights in the sovereignty dispute concerning the Malvinas Islands.

5. While it was regrettable that negotiations between Argentina and the United Kingdom had not re-started, the fact that they had been able to come to some agreement so as to permit the dedication of the war memorial at the Darwin cemetery was a welcome sign. She hoped that the Committee would make substantial progress before its next session towards the peaceful resolution to the sovereignty dispute.

6. **Mr. Gutiérrez** (Observer for Peru) said that his delegation recognized Argentina's legitimate rights to sovereignty, for historical, geographical and legal reasons and it urged the parties to restart negotiations, as called for in the resolution the Committee had adopted at the previous meeting.

7. **Mr. Reina Idiaquez** (Observer for Honduras) referring to the resolution adopted by the Organization of American States (OAS) at its most recent high-level meeting, said that it, too, called on Argentina and the United Kingdom to resume negotiations so as to find a peaceful solution to the sovereignty dispute. Moreover, if bilateral negotiations failed, issues could always be submitted to an international court for resolution; his Government had always done so, and it had abided by the decisions of such courts.

8. **Mr. Rosenthal** (Observer for Guatemala) said that decolonization could be seen as one of the principal achievements of the United Nations and that the Special Committee had played a major role in that regard. Nonetheless there still remained 16 Non-Self-Governing Territories.

9. The colonial situation of the Malvinas Islands, however, was special, owing to the existence of a sovereignty dispute. The United Kingdom had violated the territorial integrity of the Argentine Republic when it had occupied part of the latter's territory by force then implanted its own population there. Accordingly, the question of the Malvinas Islands was about a colonized territory not a colonized population. The United Nations had expressly ruled out the possibility of applying the principle of self-determination in that case for General Assembly resolution 1514 (XV) had established that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations.

10. His delegation supported the draft resolution that had been adopted at the previous meeting and it hoped that the Argentine Republic and the United Kingdom would resume bilateral negotiations as soon as possible in order to reach a fair, peaceful and lasting solution to the dispute.

11. **Ms. Gallardo Hernández** (Observer for El Salvador) said that the question of the Malvinas Islands should be resolved on the basis of respect for the territorial integrity and sovereignty of the Argentine Republic. That view was based on international legal principles and Argentina's geographical, legal and historical rights over the islands. The various arguments put forward by the colonial power to justify its remaining in the islands did not take into account the fact that there was a sovereignty dispute, the existence of which had long been recognized.

12. Recalling that the 18th Ibero-American Summit of Heads of State and Government, had reiterated the call for bilateral negotiations to be resumed as soon as possible, she urged the United Kingdom to resume the negotiation process as soon as possible in order to find a fair, peaceful and definitive solution to the dispute, in accordance with the population's wishes.

13. **Mr. Cancela** (Observer for Uruguay), welcoming the adoption by consensus of the resolution on the question of the Malvinas Islands at the previous meeting, recalled that Uruguay had consistently supported the Argentine Republic's legitimate rights of sovereignty over the islands.

14. The issue was unique in that the colonial situation of the islands was special, since it involved a sovereignty dispute. The right to self-determination had limits. It was clear from paragraph 6 of General Assembly resolution 1514 (XV) that compliance with the Declaration on the Granting of Independence to Colonial Countries and Peoples should be based on respect for the territorial integrity of States. Argentina had inherited rights to the islands from Spain and had legitimately occupied them until 1833, thus the territorial integrity of the Argentine Republic was directly related to the question at hand.

15. Finding a peaceful solution to the conflict was the obligation of both States involved, and the negotiations must cover all aspects of the future of the islands. Resolving the dispute would benefit the whole South Atlantic region and open the door for greater cooperation between the United Kingdom and Argentina.

16. **Ms. Williams** (Grenada), reiterating her delegation's long-standing position with regard to the rights and obligations pertaining to the question at hand said that the principles of self-determination and sovereignty, both of which were contained in the Charter of the United Nations, were contending rights in the present case. She therefore urged both parties to take those principles into consideration during their discussions.

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/AC.109/2009/1, 3-8, 11, 14 and 16; A/AC.109/2009/L.9)

17. **The Chairman** drew attention to the working papers prepared by the Secretariat on the 11 Non-Self-Governing Territories contained in documents A/AC.109/2009/1, 3-8, 11, 14 and 16.

Draft resolution A/AC.109/2009/L.9

18. *Draft resolution A/AC.109/2009/L.9 was adopted.*

19. **Mr. St. Aimee** (Saint Lucia) welcomed the adoption of the draft resolution, adding that it was important to consider the people, since it was the people that would make up the States, whatever form the latter took. There should be consistency of action with regard to matters of self-determination and the interests and rights of the people concerned.

The meeting rose at 11.10 a.m.

United Nations A/AC.109/2009/SR.11

General Assembly

Distr.: General
17 July 2009

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resumed session

Summary record of the 11th meeting

Held at Headquarters, New York, on Tuesday, 23 June 2009, at 10 a.m.

Chairman: Mr. Natalegawa ..... (Indonesia)

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09-37698 (E)

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The meeting was called to order at 10.25 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of Tokelau (*A/AC.109/2009/2; A/AC.109/2009/L.15*)

2. **The Chairman** drew attention to the working paper on Tokelau prepared by the Secretariat (A/AC.109/2009/2).

Hearing of representatives of the Non-Self-Governing Territory

3. *At the invitation of the Chairman, Mr. Toloa (Ulu-o-Tokelau) took a place at the Committee table.*

4. **Mr. Toloa** (Ulu-o-Tokelau), titular head of the Territory, said that while Tokelau remained fully committed to self-determination, the two referendums held thus far had not resulted in the two-thirds majority required for a change in status. They had, nevertheless, highlighted the importance of strengthening Tokelau's institutions and uniting the population. It would be several years before the General Fono considered holding another referendum. Meanwhile, it had decided that more needed to be done to strengthen local capacity and infrastructure and to promote economic development.

5. Like all nations, Tokelau was feeling the effects of the global financial crisis. It was therefore taking steps to ensure that its scarce resources were used wisely, in particular, by establishing development priorities, setting realistic targets and working to integrate good governance practices into its public management systems. Public expenditure would be realigned accordingly. The 2003 Joint Statement of the Principles of Partnership between Tokelau and New Zealand and the $NZ 43.1 million strong Economic Support Arrangement for the period 2007-2010 reflected both the progress made by Tokelau and the ongoing commitment of New Zealand to the Territory.

6. Tokelau had also been affected by the outbreak of the influenza A (H1N1) virus and was taking steps to protect the population. It was acutely aware of the effect the pandemic might have on its population.

7. The Council for the Ongoing Government of Tokelau was looking forward to its first meeting with the Prime Minister of New Zealand. It hoped to convey to him the importance of the special relationship between Tokelau and New Zealand.

8. His Government was working to raise international awareness about the effects of global warming on small and fragile atolls. Rising sea levels had eroded beaches and contaminated water supplies. Global warming had also affected the quantity and type of seafood available. Tokelau's efforts to secure funding for its climate change adaptation programme had been thwarted owing to its status as a territory of New Zealand. He asked the Committee and the United Nations system as a whole to back those efforts and expressed appreciation to the United Nations Development Programme for its support in that regard.

9. His Government believed that all people were responsible for their physical environment and was working on an ambitious energy policy that would enable its small atolls to operate on 100 per cent renewable energy. As Ulo-o-Tokelau, he would continue to urge the international community to take steps to limit activities that impacted negatively on the environment.

10. Tokelau's development efforts would have to be supported by an effective public service based on the principles of good governance, an enabling human resource development plan and a robust infrastructure. Those areas had been identified as priority outcome areas in Tokelau's national strategic plan. As for specific developments, he mentioned the ongoing shipping project with New Zealand; the launch of the national infrastructure project and the judicial project; the planned review of Tokelau's devolution policy; the work being done on the national strategic plan and the national human resources plan; the conclusion of a waste management agreement with Samoa; the ongoing village development programme; and the decision to build a new Tokelau Office in Samoa.

11. The Tokelau International Trust Fund, meanwhile, stood at approximately $NZ56 million. Tokelau was grateful to New Zealand for its assistance. Australia also contributed to the Fund.

12. The main ingredients of nation building — a constitution and a flag — were now in place. All that remained was a formal endorsement, a national symbol and a national anthem. Tokelau's Constitutional Committee would meet later in the year to discuss an appropriate governance structure for Tokelau. Thus the preparatory work involved in establishing such a

structure and integrating good governance practices at all levels was well under way.

13. *Mr. Toloa withdrew.*

14. **Ms. Graham** (Observer for New Zealand) said that, as administering Power for Tokelau, New Zealand saw to it that the Committee received timely and accurate information about Tokelau and that the leaders of the Territory received strong support as they tackled major challenges such as the global economic crisis and the influenza pandemic. Very close cooperation with the World Health Organization (WHO) and the New Zealand Ministry of Health had left Tokelau well prepared to deal with the latter.

15. A core objective was to provide essential services and a good quality of life to the 1500 people of Tokelau. Accordingly, the education and health infrastructure and the shipping service that tied the three remote atolls together and linked them to the wider world were being progressively renewed. In addition, efforts were being made to enhance economic development and to improve water, sanitation and waste management. There was room for the development of the tourism sector in particular, but only in accordance with the social and cultural requirements of each atoll community. Tokelau itself must set the pace and character of policy development and project implementation.

16. New Zealand's new Prime Minister and other high officials planned to meet with Tokelau's leaders for an in-depth discussion of the Territory's situation and aspirations, and to reaffirm the shared determination of both parties to work for a viable and forward-looking community on the atolls. Some members of the Foreign Affairs Select Committee of Parliament hoped to be able to visit Tokelau later in the year, to gain first-hand knowledge of its fragile position in the wide expanses of the Pacific.

17. New Zealand would continue to work with Tokelau to meet the needs of its people, and it welcomed the Committee's continuing interest.

Draft resolution A/AC.109/2009/L.15

18. **Mr. Mas** (Observer for Papua New Guinea), introducing the draft resolution on behalf of his delegation and Fiji, drew particular attention to paragraphs 6, 7, 13 and 14.

19. **Mr. Isimeli** (Fiji) noted that New Zealand had done much to further Tokelau's economic and political aspirations, with the full support of the United Nations. The draft resolution underscored the close collaboration the Territory had enjoyed in its ongoing process of decolonization. That was indeed the best way to enable the Special Committee to fulfil its mandate.

20. *Draft resolution A/AC.109/2009/L.15 was adopted.*

Report of the Caribbean Regional Seminar
(A/AC.109/2009/CRP.1)

21. **The Chairman**, after thanking the Government and people of Saint Kitts and Nevis for hosting the Seminar, said he took it that the Committee wished to adopt the draft report of the Caribbean Regional Seminar and annex it to the Special Committee's report to the sixty-fourth session of the General Assembly.

22. *It was so decided.*

Report of the Special Committee
(A/AC.109/2009/L.14)

23. **The Chairman** drew attention to the draft report, which followed the same pattern as the reports of previous years. He took it that the Committee wished to adopt it and to authorize the Rapporteur to submit it directly to the General Assembly.

24. *It was so decided.*

Closure of the session

25. **The Chairman** reviewed the work accomplished by the Special Committee during the past session, and observed that in the coming year, the Committee would need to chart the course of action to be pursued after the conclusion of the Second International Decade for the Eradication of Colonialism in 2010. It also needed to explore how better to guide the process of decolonization in the contemporary world. The Special Committee must remain engaged in the process of decolonization with the active participation of the United Nations system and the Territories themselves, and with enhanced cooperation from the administering Powers. He declared the session closed.

The meeting rose at 11.15 a.m.